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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TG POWER, LLC,

Plaintiff,

vs.

BLACK GOLD EQUIPMENT &  
LEASING, LLC, et al.,

Defendants.

3:07-CV-0552-LRH (VPC)

**REPORT AND RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Larry R. Hicks, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On April 14, 2009, this court granted the motion to withdraw as counsel for plaintiff filed by the law firm of Jones Vargas (#26). Plaintiff was advised that as a general rule, a party may not proceed without counsel on behalf of artificial entities. 28 U.S.C. § 1654. *Id.* It has been well established that a corporation may appear in federal court only through a licensed attorney. *E.g., United States v. High Country Broad Co.*, 3 F.3d 1244, 1245 (9<sup>th</sup> Cir. 1993). Plaintiff was ordered to file a substitution of counsel on or before Friday, May 1, 2009 (#26). Plaintiff was warned that if it failed to do so, this court would *sua sponte* issue a report and recommendation to the District Court that this case be dismissed on this ground. *Id.* The order was served by the Clerk via U.S. mail on Martin Buckley, a Managing Member of plaintiff, TG Power, LLC at 8142 Carrington Drive, Trussville, Alabama. *Id.*

To date, plaintiff has failed to file a substitution of counsel as ordered. Furthermore, no document whatsoever has been filed in this case since the entry of the court's order granting the motion to withdraw

1 as counsel on April 15, 2009 (#26). Therefore, the undersigned Magistrate Judge recommends that this  
2 case be dismissed for plaintiff's failure to obtain counsel pursuant to this court's order dated April 15,  
3 2009 (#26) and for want of prosecution pursuant to Local Rule 41-1.

4 The parties should be aware of the following:

5 1. They may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules  
6 of Practice, specific written objections to this Report and Recommendation within fourteen (14) days  
7 of receipt. These objections should be titled "Objections to Magistrate Judge's Report and  
8 Recommendation" and should be accompanied by points and authorities for consideration by the District  
9 Court.

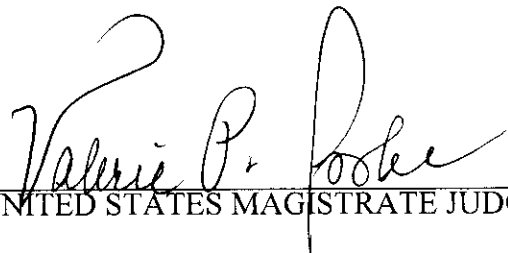
10 2. This Report and Recommendation is not an appealable order, and any notice of appeal  
11 pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's judgment.

12 **RECOMMENDATION**

13 For the reasons stated above, the undersigned Magistrate Judge recommends that the District  
14 Judge enter an order **DISMISSING** this case for plaintiff's failure to obtain counsel pursuant to this  
15 court's order dated April 15, 2009 (#26) and for want of prosecution pursuant to Local Rule 41-1.

16 DATED: July 27, 2010.

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UNITED STATES MAGISTRATE JUDGE